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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FCC 94-102

In the Matter of )  
 ) CC Docket No. 92-115 ✓  
Revision of Part 22 of the Commission's )  
Rules Governing the Public Mobile Services )

Further Notice of Proposed Rulemaking

Adopted: April 20, 1994

Released: May 20, 1994

Comment date: June 20, 1994

Reply comment date: July 5, 1994

By the Commission:

I. INTRODUCTION

1. In this Further Notice of Proposed Rulemaking we propose further revisions to Part 22 of our rules governing the Public Mobile Services.<sup>1</sup> These revisions are intended to eliminate unnecessary information collection requirements, streamline licensing procedures, reduce the processing and review burden on the Commission's staff, and ensure that licensees in the public mobile services are fully qualified to provide service to the public as expeditiously as possible.

II. BACKGROUND

2. In the Notice adopted in this proceeding in 1992 we proposed comprehensive revisions of Part 22 of the Commission's Rules that would streamline the processing of

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<sup>1</sup> We adopted a Notice of Proposed Rulemaking in this docket on May 14, 1992, proposing comprehensive revisions to Part 22 of the Commission's Rules. That proposal remains pending, and now is augmented by the proposals we adopt today. Revision of Part 22 of the Commission's Rules Governing the Public Mobile Services, CC Docket No. 92-115, Notice of Proposed Rulemaking, 7 FCC Rcd 3658 (1992) (*Notice*).

applications in the Public Mobile Services, remove unnecessary operational requirements and generally facilitate the prompt delivery of new and improved mobile services to the public.<sup>2</sup> Prior to the adoption of a Report and Order in this proceeding, however, Congress enacted the Omnibus Budget Reconciliation Act of 1993 (the "Budget Act"). The Budget Act amended Section 3(n) and Section 332 of the Communications Act (the "Act") to create a comprehensive regulatory framework for all mobile radio services, including existing Part 22 common carrier mobile services, private land mobile services, and future services, such as Personal Communications Services (PCS).

3. In light of the broad scope of these statutory changes that affect the regulation of mobile services, action on the Part 22 revision proceeding was deferred. We have since adopted a comprehensive Order implementing the basic provisions of Sections 3(n) and 332 of the Act, as amended by the Budget Act.<sup>3</sup> We also have adopted an *Order* prescribing regulations to implement competitive bidding for certain radio licenses.<sup>4</sup> In addition, we are adopting today a companion Further Notice of Proposed Rulemaking that begins the process of conforming technical, operational, and licensing rules applicable to commercial mobile radio service (CMRS) providers that are subject to Part 22 and Part 90 of the Commission's Rules.<sup>5</sup> This process, which was mandated in the Budget Act, is intended to advance the congressional goal of regulatory symmetry with regard to CMRS by rationalizing and equalizing to the extent possible rules that will apply to CMRS providers, including newly reclassified private mobile radio service (PMRS) providers, at the end of the three-year transition period established in the legislation.

4. As we move forward in developing a regulatory framework for CMRS, we have concluded that we should also propose additional revisions to Part 22 as the next phase in the process of rewriting Part 22 that we began nearly two years ago. We believe that the changes we propose today, if subsequently adopted, can be incorporated into the new regulatory framework that emerges from the actions we have already taken and will take in the future in related dockets. In the meantime, we believe that the revisions to Part 22 suggested here and

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<sup>2</sup> For example, the Commission proposed granting all PLMS and Rural Radio applications on the condition that actual interference does not occur upon commencement of service, and eliminating the requirement that applicants requesting one or more channels for an existing two-way station file traffic loading studies.

<sup>3</sup> Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services, GN Docket No. 93-252, Second Report and Order, 9 FCC Rcd \_\_\_\_ (1994).

<sup>4</sup> Implementation of Section 309(j) of the Communications Act, PP Docket No. 93-253, Second Report and Order, FCC 94-61, released April 20, 1994.

<sup>5</sup> Implementation of Sections 3(n) and 332 of the Communications Act, GN Docket No. 93-252, Further Notice of Proposed Rulemaking, FCC 94-\_\_\_\_, adopted April 20, 1994.

in the earlier Notice will further streamline and improve our existing processing procedures in ways that will benefit existing licensees as well as future users of mobile services.

### **III. PROPOSALS AFFECTING CELLULAR SERVICE**

#### **A. Service Area Boundary Extensions**

5. Our current rules allow a cellular licensee to expand its composite Service Area Boundary (SAB) into an adjacent cellular service territory pursuant to a written agreement with the latter licensee. A licensee is permitted to expand its SAB into an adjacent CGSA at any time and may extend into an adjacent MSA or RSA, provided the 5 year fill-in period has not expired.<sup>6</sup> Many of the contracts included with FCC Forms 489 that notify the Commission of such minor modifications simply acknowledge a licensee's permission to allow a SAB extension into its market, even when the 5 year fill-in period has expired. In these cases, the staff must devote a significant amount of time to determine if the SAB extension covers any unserved area, because licensees may apply to serve such areas only by filing a separate application with the Commission. Therefore, we are proposing to require licensees notifying the Commission of minor modifications to their systems on FCC Form 489, which include SAB extensions into the adjacent market, to specify whether the 5 year fill-in period for the market has expired and, if so, to state that the SAB extension does not cover any unserved area.

#### **B. Map Scale**

6. Section 22.926 of the Commission's Rules<sup>7</sup> provides that maps required to be filed by our rules must be on a scale of 1:250,000. We propose to revise the scale of these maps to 1:500,000. We believe that changing the map scale to 1:500,000 would serve the public interest by reducing both filing burdens on applicants as well as review burdens on the staff. Because maps on a scale of 1:500,000 are readily available from the U.S. Geological Survey, revision of the existing rule would not result in additional burdens to any applicant. Further, the reduced map size will be more manageable for the Commission staff, applicants, and members of the public who work with these maps. The reduction in the map size will also benefit the Commission by saving filing space necessary to maintain the maps. While the reduction of the map scale from 1:250,000 to 1:500,000 will result in the submission of a less detailed map, we believe that the proposed map size will be sufficient for review purposes by the staff and members of the public. Prior to adoption of the Second Report and Order in CC Docket No. 90-6<sup>8</sup> the staff visually reviewed maps to ensure that they complied with

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<sup>6</sup> See Section 22.903(d).

<sup>7</sup> 47 C.F.R. §22.926.

<sup>8</sup> See Amendment of Part 22 of the Commission's Rules to provide for filing and processing of applications for unserved areas in the Cellular Service and to modify other cellular rules, CC Docket No. 90-6, Second Report and Order, 7 FCC Rcd 2449 (1992),

Commission rules and did not produce overlapping CGSAs. In the Second Report and Order, in that docket, the Commission adopted a mathematical formula from which CGSA boundaries are derived. Because the use of this formula simplifies the process of calculating and plotting CGSAs, detailed maps are no longer necessary. The maps, however, are still used by the staff and members of the public to determine whether CGSA contours extend beyond market boundaries and whether there are any unserved areas. We tentatively conclude that applicants should submit maps on a scale of 1:500,000. We seek comment on this tentative conclusion and on the question of whether another scale would be more appropriate. We note, however, that if commenters recommend another map scale, they should also address whether the maps are readily available.

### **C. Elimination of Licensing for Inner Cell Sites**

7. In the *Notice* we proposed to modify our rules to allow cellular licensees to make minor changes to their facilities and to add transmitters within the contours of authorized stations without seeking prior approval or notifying the Commission of such changes.<sup>9</sup> If we adopt this proposal, we plan to eliminate the listing of internal cell sites on our authorizations for existing licensees. We do, however, intend to maintain accurate, current information regarding the cell sites that constitute a system's CGSA boundary -- *i.e.*, the external cell sites. Therefore, we propose to require all cellular licensees to submit the following information for each of their external cell sites: (1) the geographic coordinates and cell site location description as required in Item 27 on Schedule B of FCC Form 401; and (2) the operating and technical parameters for the cell site which is currently required in Table MOB 2 and Table MOB 3 of FCC Form 401. This is a one time filing that would assist the staff in updating the Commission's database systems. We seek comment on our proposal to require licensees to submit this information.

8. Our plan to eliminate the listing of internal cell sites in authorizations will reduce the administrative and processing cost of issuing authorizations. Currently, whenever the Commission's staff issues an authorization to an existing licensee, the staff includes all the licensee's cell sites in the authorization. These authorizations are issued whenever a cell site is changed. In the case of a large cellular carrier with over 200 cell sites that may be updated frequently, each change results in an authorization that may exceed 80 pages in length. Under our proposal the staff would no longer maintain records and issue authorizations for internal sites. Thus, the number of pages in the authorizations for these large carriers would be reduced substantially. Further, this plan will assist the Commission staff in automating the processing of Public Mobile Services applications by eliminating unnecessary information and updating requirements.

9. We recognize that adoption of this proposal would impose an immediate filing

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recon., 8 FCC Rcd 1363 (1993).

<sup>9</sup> See *Notice*, 7 FCC Rcd at 3660-61, 3694-95.

requirement upon licensees<sup>10</sup> that the Commission's staff may not be able to accommodate at one time. Therefore, we propose that if the proposal is adopted, the Commission's staff would issue a Public Notice announcing the filing dates for receipt of the external cell site information. We propose to require the information in ascending market order, at periodic intervals. We seek comment on additional proposals for submitting such filings.

#### **D. System Information Updates**

10. We propose to modify the rule governing the updated information for existing cellular systems that licensees are required to submit to the Commission before the end of the system filing period. Section 22.925 of the Commission's Rules<sup>11</sup> requires licensees to file maps and updated system information 60 days before the end of the five-year fill-in period. This information includes a full-size map on a scale of 1:250,000, a reduced map, and a current frequency utilization chart.<sup>12</sup> These maps and the charts must accurately depict the location of each cell site and the coverage of the system at the end of the five year fill-in period. Based on the Commission staff's experience with the current requirements, we propose to modify the information that licensees must submit pursuant to this rule. First, consistent with our proposal above to revise the map scale, we propose to revise the scale of the full-size map to a scale of 1:500,000. Second, we propose to require that all maps submitted pursuant to this rule show only the exterior cell sites and their respective service area boundaries that make up the CGSA. Since the purpose of updating system information is to enable interested persons to identify any unserved areas in each market, information regarding interior cell sites is irrelevant. Third, we propose to require licensees to include an exhibit providing the coordinates for each exterior cell site and the information currently required in the MOB 3 Table of FCC Form 401. Fourth, we propose to eliminate the requirement that licensees submit a frequency utilization plan or chart. In our experience, this information is not used by the public and rapidly becomes outdated. Finally, we propose to require licensees to label information submitted with the number of the relevant market. That is, all System Information Update maps should provide the number of the market.<sup>13</sup> This standard labelling information will ensure that the maps are associated with the correct files.

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<sup>10</sup> See para. 7, supra.

<sup>11</sup> 47 C.F.R. §22.925.

<sup>12</sup> See id.

<sup>13</sup> For example, if the five year fill-in period was expiring in market "X" and market "Y" has received permission to extend into market "X", the carrier in market "Y" would be required to file a SIU for market "X" showing this extension. The map would be labelled as follows: "This is the SIU for market "X" filed by the market "Y" carrier." Maps filed by the carrier in market "X" for its particular contour only would include the following statement: "This is the SIU for market "X" filed by the market "X" carrier."

11. These proposals collectively will allow the Commission's staff to receive updated maps containing only relevant information and technical data for each existing cellular system in one plan. These proposed modifications will help to reduce staff processing time and reduce the need for greater storage area on the Commission's premises. In addition, we believe that the public will also benefit from the improved access to relevant information that these proposed modifications would produce.

#### IV. PROPOSALS AFFECTING PUBLIC LAND MOBILE SERVICES

##### A. 931 MHz Applications

12. In General Docket 80-183, the Commission set forth certain rules and procedures for initial licensing of 931 MHz paging systems governed by Part 22 of the Commission's Rules in order to reduce the number of cases involving mutually exclusive applicants, and to expedite the processing of applications.<sup>14</sup> These rules no longer permit efficient processing of applications resulting in some confusion and delay. For these reasons, we propose to amend our Rules in a further effort to minimize mutually exclusive applications.

13. The procedures that the Commission adopted in Paging Systems-DPLMRS provided that applicants for 931 MHz paging frequencies would receive frequency assignments chosen by the Commission staff.<sup>15</sup> In addition, we provided that 931 MHz assignments would be based upon a fixed minimum spacing of 70 miles between co-channel 931 MHz stations. These policies were intended to avoid mutual exclusivity and allow expeditious processing of 931 MHz applications. We stated, however, that if mutual exclusivity did arise, the procedures for dealing with mutually exclusive applications in effect at that time will be followed.<sup>16</sup>

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<sup>14</sup> Amendment of Parts 2 and 22 of the Commission's Rules to Allocate Spectrum in the 928-941 MHz Band and to Establish Other Rules, Policies, and Procedures for One-Way Paging Stations in the Domestic Public Land Mobile Radio Service, General Docket No. 80-183, First Report and Order (Paging Systems - DPLMRS), 89 FCC 2d 1337 (1982), recon., 92 FCC 2d 631 (1982).

<sup>15</sup> See Paging Systems-DPLMRS, 89 FCC 2d at 1356. The 931 MHz paging band consists of 40 frequencies (931.0125-931.9875) of which three are reserved for nationwide network paging.

<sup>16</sup> Id. at 1357.

14. In accordance with our direction in Paging Systems-DPLMRS, the Bureau issued a Public Notice opening the 931 MHz paging band to new applicants in 1984.<sup>17</sup> In addition, in the Public Notice,<sup>18</sup> the Bureau announced that the normal "notice and cut-off" procedures applicable to all public land mobile services applications, set forth in Section 22.31(c) of the rules, would apply to 931 MHz applications.<sup>19</sup> Under these procedures, a public notice listing the filing of a 931 MHz application as acceptable for filing would be released and would start a 60-day period for the filing of mutually exclusive applications.<sup>20</sup> All applications filed within the 60-day period proposing transmitter locations within 70 miles of each other may be mutually exclusive and are, therefore, considered together as a "processing group." As stated by the Notice, "[if] enough frequencies are available, all applicants may receive a grant." Otherwise, if frequencies are not available for all applicants in the processing group, their "applications . . . would be considered mutually exclusive and placed in a lottery."<sup>21</sup> After the lottery, frequencies are assigned based on the ranking order of applicants in the lottery and the locations proposed by the applicants. When there are enough frequencies for all the applications in the processing group, however, no lottery is held and the first-filed application is granted. The public notice date of the next-filed application in the processing group starts a new 60-day cut-off period for a new group. This process continues until there are more applications in a group than there are frequencies available for them.<sup>22</sup> At that point, a lottery is held.

15. The Commission staff has processed 931 MHz paging applications in several major market regions using existing procedures. In some of these markets, lotteries have been

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<sup>17</sup> See Public Notice, Mimeo No. 4395 (Com. Car. Bur. May 24, 1984) (May 24, 1984 Public Notice).

<sup>18</sup> The Public Notice was not published in the Federal Register. Thus, to the extent it established new or modified procedures, it was not binding. See Nelson Broadcasting Corp., 6 FCC Rcd 1765 (1991).

<sup>19</sup> Section 22.31(c) states in pertinent part: "[w]henver three or more applications are mutually exclusive, . . . the earliest filed application establishes the date prescribed in paragraph (b)(2) [the 60 day cut-off period] of this section, regardless of whether or not subsequently filed applications are directly mutually exclusive with the first filed application." See 47 C.F.R. § 22.31(c).

<sup>20</sup> See 47 C.F.R. §22.31(b)(2).

<sup>21</sup> See Public Notice.

<sup>22</sup> This "rolling procedure" is described in O.R. Estman, 5 FCC Rcd 7423, 7424 (Com. Car. Bur. 1990). Whether the Bureau procedure is consistent with the rules is at issue in pending cases. See Public Mobile Services Lottery, Lottery No. PMS-31 (Public Mobile Services Lottery) 5 FCC Rcd 7430 (Com. Car. Bur. 1990), app. for review, petition for recon. pending.

held. In other markets, applications are awaiting lotteries. These proceedings present issues that we did not foresee in Paging Systems-DPLMRS and have made it difficult to process these applications in a consistent, satisfactory manner.<sup>23</sup> In particular, the current Part 22 rules may not provide sufficient guidance to inform applicants when 931 MHz spectrum that becomes available will be available for assignment to already pending applications. Therefore, we propose to revise the processing rules for applications for paging frequencies in the 931 MHz band and to apply our new rules to both pending and future applications. We propose to include in the category of pending applications to which the new rules would apply applications that have been granted, denied or dismissed and are the subject of petitions for reconsideration or applications for review.

16. We propose that for all 931 MHz paging applications, applicants must specify the frequency for which they seek authorization.<sup>24</sup> The frequency requested must be available at the time the application is filed. We propose that a frequency be deemed available under circumstances described in Part 22 of the rules and in the Notice.<sup>25</sup> Applications that are acceptable for filing will then be placed on public notice. Mutually exclusive applications received within 30 days after the public notice will be considered one processing group.<sup>26</sup> Pursuant to the Second Report and Order in PP Docket No. 93-253,<sup>27</sup> mutually exclusive applicants for specific frequencies that are accepted for filing after July 26, 1993, will be subject to the competitive bidding process.

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<sup>23</sup> See, e.g., Public Mobile Services Lottery, 5 FCC Rcd 7420 (Com. Car. Bur. 1990), app. for review pending; O.R. Estman, *supra*; Valley Communications, 5 FCC Rcd 5274 (Mob. Serv. Div. 1990).

<sup>24</sup> This proposal supersedes Section 22.513 (Channel availability) proposed in the Notice. See 7 FCC Rcd at 3669.

<sup>25</sup> See 47 C.F.R. § 22.44 and proposed Sections 22.142 and 22.144 in Notice, at 7 FCC Rcd at 3666. Section 22.44 lists the five ways, other than revocation, that a PLMS authorization can be terminated. The proposals for 931 MHz paging service are intended to be consistent with the general Part 22 revisions in the Notice and complement those proposals to streamline our licensing procedures and provide licensees greater flexibility in providing service to the public. For example, proposals regarding automatic expiration and termination of authorizations, if adopted, may be used by applicants for 931 MHz frequencies to improve service to the public.

<sup>26</sup> Generally, applications that propose locations within 70 miles of another proposed facility on the same frequency are mutually exclusive.

<sup>27</sup> Implementation of Section 309(j) of the Communications Act - Competitive Bidding, PP Docket No. 93-253, Second Report and Order, *supra* note 4. See Section 309(i) of the Communications Act.



17. We also propose that applicants for 931 MHz paging frequencies with applications pending when final rules become effective be given 60 days from the effective date of a final order in this proceeding to amend their applications to specify frequencies for which they seek authorization.<sup>28</sup> Failure to amend a pending application to specify a frequency will result in dismissal of that application.<sup>29</sup> The pending applications, as amended, will be placed on public notice and petitions to deny may be filed within 30 days consistent with Section 309 of the Act. All pending amended applications and newly filed applications that are mutually exclusive and received within 60 days of the effective date of this Order will be considered together as a processing group this one time only.<sup>30</sup> Consistent with our rules governing new 931 MHz paging applications,<sup>31</sup> we propose that the amended applications be subject to the competitive bidding process. We ask for comment, however, on whether we should instead use lotteries for these applications.<sup>32</sup> We believe that this processing scheme will eliminate the backlog in pending 931 MHz applications<sup>33</sup> and ensure that future channel assignments will be made in a fair and consistent manner.<sup>34</sup>

18. We also request comment on one other matter relating to 931 MHz paging

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<sup>28</sup> Pursuant to Section 1.1112(a) of the Commission's Rules, no filing fees are required with these amendments. 47 C.F.R. § 1.1112(a).

<sup>29</sup> Applications that indicated a frequency preference must be amended to request that same frequency or another one.

<sup>30</sup> If one of the newly-filed competing applications is a modification, rather than an initial application, we are seeking comment on whether the competing applications may be subject to competitive bidding. See para. 18, *infra*.

<sup>31</sup> Second Report and Order in PP Docket No. 93-253.

<sup>32</sup> Section 6002(e) of the Budget Act, gives the Commission discretion to use the lottery procedure instead of competitive bidding procedures for licenses where applications were accepted for filing by the Commission before July 26, 1993. Similarly, the Budget Act allows post-July 26, 1993 applications and pre-July 26, 1993 applications that are mutually exclusive to be processed by lottery procedures. Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, Title VI, § 6002(e)(2), 107 Stat. 312-392 (1993).

<sup>33</sup> There are approximately 700 pending applications for 931 MHz licenses.

<sup>34</sup> We believe that the public interest in expeditious licensing and provision of service far outweighs any potential unfairness to pending 931 MHz applicants that our proposed rule change might cause. It is well-established that the filing of an application does not protect the applicant from subsequent rule changes being applied to the processing of that application. See e.g., *Storer Broadcasting v. FCC*, 351 U.S. 192 (1956); *Hispanic Information and Telecommunications Network, Inc. v. FCC*, 865 F.2d 1289 (1989).

applications. Under the Budget Act, we may use competitive bidding procedures only to select among mutually exclusive applications for an initial license.<sup>35</sup> In the Second Report and Order in PP Docket No. 93-253, we stated that as a general rule we will regard mutually exclusive applications to modify existing licenses as not subject to competitive bidding. See Second Report and Order at para. 38. However, we also left open the possibility that, in particular services, some modification applications that are mutually exclusive with other applications, should be treated as initial applications and be subject to competitive bidding. See id. at para. 40. In the context of 931 MHz paging, we propose to consider the following to be an initial application: (1) an application anywhere on a new frequency and (2) a proposal to locate a new facility more than two kilometers (1.6 miles) from any existing facility operating on the same frequency. A 931 MHz paging application would be considered a modification of an existing system only if: (1) it proposes new locations two kilometers (1.6 miles) or less from a previously authorized and fully operational base station licensed to the same licensee operating on the same frequency; or (2) the application is for a change of location within two kilometers (1.6 miles) of an existing station licensed to the same licensee on the same frequency; or (3) the application proposes a technical change that would not increase the service contour. While our proposals seek to reduce the possibility of conflicting initial and modification applications, we realize that implementation of this proposal may not avoid mutual exclusivity between an initial application and a modification application in all cases. We invite comment on whether such proceedings may, consistent with the Budget Act, be resolved through competitive bidding and, if legally permissible, whether that approach would be advisable as a policy matter. We also tentatively conclude that we will use first come, first served procedures to process 931 MHz paging modifications licenses in cases in which we conclude, as a result of our examination of the issue in this rule making proceeding, that the use of competitive bidding procedures would not be legally permissible or otherwise appropriate. Under the first come, first served procedure, only mutually exclusive modification applications received on the same day would, consistent with the Budget Act, be designated for comparative hearing to determine which modification application should be granted. Major modification filings would still be listed in periodic public notices, and a 30 day period for filing petitions to deny would remain.

19. We seek comment on how these proposals regarding 931 MHz processing will affect applicants for and licensees in the 931 MHz paging frequency band. We also invite commenters to submit alternative proposals.

#### IV. ADMINISTRATIVE MATTERS

##### Ex Parte Rules -- Non-Restricted Proceeding

20. This is a non-restricted notice and comment rule making proceeding. Ex parte presentations are permitted except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules. See generally 47 CFR 1.1202, 1.1203 and

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<sup>35</sup> Communications Act of 1934, § 309(j)(1).

1.1206(a).

### Comment Information

21. Pursuant to applicable procedures set forth in Section 1.425 and 1.419, interested parties may file comments on or before June 20, 1994 and reply comments on or before July 5, 1994. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Room (Room 239) of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

### Initial Regulatory Flexibility Analysis

22. **Reason for action and objective.** The Commission is proposing to revise Title 47, Part 22 of the Code of Federal Regulations to eliminate unnecessary information collection requirements, streamline licensing procedures, reduce the processing and review burden on the Commission's staff, and ensure that licensees in the public mobile services are fully qualified to provide service to the public as expeditiously as possible. The objective of this proposal is to provide effective and adaptive regulation for communications.

23. **Legal Basis.** Authority for this further notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, 47 U.S.C. 154(i) and 303(r).

24. **Reporting, Recordkeeping and Other Compliance Requirements.** The proposed rules would retain most of the existing reporting, recordkeeping and other compliance requirements, without significant change. A few new requirements are proposed. For example, one of the proposed rules would require that licensees make an additional statement on FCC Form 489. Another proposal would require applicants and licensees to file maps on a scale of 1:500,000. Overall, these rule modifications and revisions would result in a net reduction in reporting, recordkeeping and other compliance requirements.

25. **Federal rules that overlap, duplicate or conflict with these rules.**  
None.

26. **Description, potential impact and number of small entities affected.** There are approximately 8,600 licensees subject to the rules in Part 22. A substantial portion of these are small entities. There are also a number of small entities whose business is consulting or providing other services in connection with Part 22. The proposed rewrite would not significantly affect these small entities.


27. **Significant alternatives minimizing impact on small entities and consistent with stated objectives.** The proposals contained in this Notice are meant to simplify and ease the regulatory burden on all Cellular applicants and licensees consistent with the Commission's established public interest objectives.

28. **Service.** The Chief Counsel for Advocacy of the Small Business Administration will be served with a copy of this Further Notice of Proposed Rulemaking in accordance with Section 603(a) of the Regulatory Flexibility Act, 5 U.S.C. 603(a).

#### **V. ORDERING CLAUSE**

29. Accordingly, IT IS ORDERED That, pursuant to Section 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), this Further Notice of Proposed Rulemaking IS ISSUED. IT IS FURTHER ORDERED That the Secretary shall cause a copy of this Further Notice to be sent to the Chief Counsel for advocacy of the Small Business Administration.

**FEDERAL COMMUNICATIONS COMMISSION**

  
William F. Caton,  
Acting Secretary